
REMARKS

Applicant has reviewed and considered the office action mailed on March 27, 2003 and the references cited therewith.

Claims 35-43 are added; as a result, claims 1-9 and 35-43 are now pending in the application. Support for claims 35-43 is found, for example, at pages 3-5 of the application.

§ 103 Rejections of the Claims

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishimura et al. (U.S. Patent No. 6,344,761). Applicant respectfully traverses the rejections of claims 1-9.

Claim 1 recites, "a switch connected across the pair of output nodes." The office action on page 2, at paragraph 3, states:

Not disclosed is the recited "switch" (line 3 of claim 1) but such would have been obvious to those having ordinary skill in the art because such switches are old and well-known in the art for the well-known purpose of equalizing the output nodes of a differential amplifier prior to comparing the potential difference across the output nodes. The same is true for the limitation of a second switch across the output nodes of the second state.

Applicant respectfully disagrees that "a switch connected across the pair of output nodes" is well known in the art. Since all the elements of the claim 1 are not found in the cited reference, applicant assumes that the Examiner is taking official notice of the missing element from an undisclosed source. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, applicant traverses the assertion of official notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, applicant respectfully requests that the Examiner provide an affidavit that describes how the missing elements are present in the prior art. If the examiner cannot cite a reference or provide an affidavit, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 1.

Claims 2-9 are dependent on claim 1. For reasons analogous to those stated above, applicant respectfully requests withdrawal of the rejections and reconsideration and allowance of claims 2-9.

Pertinent Subject Matter

The references cited as pertinent but not relied upon by the office action are not part of the rejections in the office action, so applicant need not respond to the assertion of pertinence. Applicant is expressly not admitting to this assertion of pertinence and reserves the right to address the assertion should it be included in a future rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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By their Representatives,

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Date

April 15, 2003

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 15 day of April, 2003.

Name

Anne M. Richards

Signature

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